

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS – BROWNSVILLE DIVISION**

JENNIFER SCARBOROUGH,

Petitioner,

v.

LOZANO ET AL;

Respondents.

Civil Misc. Action No. 1:22-mc-00100

Judge Fernando Rodriguez, Jr.

RESPONDENTS' EXHIBIT 1

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

Francesca D'Angelo
Managing Disciplinary Counsel
Direct line: (206) 727-8294
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August 29, 2022

Jennifer Scarborough
PO Box 531888
Harlingen, TX 78553

Via Email Only

Re: ODC File: 21-00281
Your grievance against lawyer Alexandra Lozano

Dear Jennifer Scarborough:

You filed a grievance against Alexandra Lozano on March 11, 2021. On April 4 and August 12, 2021, Alexandra Lozano filed responses to your grievance. These responses were provided to you under ELC 5.1(c)(3).

On January 14, 2022, ODC requested additional information from Lozano as part of its investigation in this matter. Lozano responded to this request on February 4, 2022. Because this request was for client information, and you are not Lozano's client, ODC did not provide a copy of the February 4, 2022 response to you.

On August 10, 2022, Lozano filed a defamation lawsuit in United States District Court in the Southern District of Ohio against unnamed defendants. As part of that lawsuit, Lozano obtained permission to issue you a subpoena for deposition. You have requested that ODC provide a summary of Lozano's February 4, 2022 response to our request for information. You state that your attorney for the defamation lawsuit needs Lozano's response to ODC's request as well as how many conflict waivers Lozano submitted to ODC, if any.

Rule 5.1(c)(3)(A) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC) provides that ODC may withhold from a grievant all or a part of any response when: "(i) the response refers to information protected by RPC 1.6 or RPC 1.9 to which the grievant is not privy; or (ii) the response contains information of a personal and private nature about the respondent or others; or (iii) the interests of justice would be better served by not releasing the response."

Based on ELC 5.1(c)(3)(A)(i) and (iii), we are not providing Alexandra Lozano's February 4, 2022 response to you because the response includes confidential client information and you are not the client. In addition, in the interests of justice, ODC does not provide a grievant with summaries of evidence obtained in a confidential grievance investigation for a grievant's use in a separate



lawsuit. You may challenge our decision to withhold the response by delivering or depositing in the mail such a challenge within 20 days of the date of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francesca D'Angelo".

Francesca D'Angelo
Managing Disciplinary Counsel

cc: Kevin M. Bank